

Message Text

PAGE 01 STATE 262131
ORIGIN OES-07

INFO OCT-01 EUR-12 EA-10 ISO-00 ERDA-05 ACDA-12 L-03
IO-13 FEA-01 AID-05 CEA-01 CIAE-00 COME-00
DODE-00 EB-08 FPC-01 H-01 INR-07 INT-05 NSAE-00
NSC-05 OMB-01 PM-05 USIA-06 SP-02 SS-15 STR-05
TRSE-00 /131 R

DRAFTED BY DOE/AIA: B MCFADDEN:SMJ
APPROVED BY OES/NET: L V NOSENZO
ACDA: C VAN DOREN
DOE: G HELFRICH
EA/ROC: D BROWN
ACDA: J MENZEL; OES/NET/EIC:DHCOOPE
DOE: J GLASGOW
L/OES: R SLOAN
IO/SCT: A JILLSON
OES/NET: D B HOYLE

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FM SECSTATE WASHDC
TO AMEMBASSY VIENNA PRIORITY
INFO AMEMBASSY TAIPEI PRIORITY

C O N F I D E N T I A L STATE 262131

USIAEA

E.O. 11652: GDS

TAGS: TECH,ENRG,IAEA,TW

SUBJECT:ARRANGEMENTS FOR COVERAGE OF ALL ROC NUCLEAR
MATERIALS, FACILITIES AND EQUIPMENT UNDER US-ROC-IAEA SAFE-
GUARDS TRANSFER AGREEMENT (STA)

REFERENCE: A) MCFADDEN/GABBERT TELECON OCTOBER 27
CONFIDENTIAL

PAGE 02 STATE 262131

1. AS PER REFERENCE,US REPS (GLASGOW AND MENZEL) WILL BE
MEETING WITH ROC AND IAEA REPS IN VIENNA TO DISCUSS SUB-
JECT ARRANGEMENTS ON NOVEMBER 3-4.

2. REPS OF DEPARTMENT OF ENERGY, STATE DEPARTMENT, AND
ACDA MET OCTOBER 28 AT DOE HEADQUARTERS WITH CAEC SEC GEN
VICTOR CHENG, INER DIRECTOR JI-PENG CHIEN, ROC EMBASSY
COUNSELOR (SCIENCE AND TECHNOLOGY) YU SUNG, AND ROC SCIATT
ANTHONY WU, TO DISCUSS SUBJECT ARRANGEMENTS. SUCH ARRANGE-
MENTS ARE NECESSARY IN VIEW OF ROC COMMITMENT (NOW IN FORCE)

TO REGARD ALL NUCLEAR MATERIALS, FACILITIES AND EQUIPMENT NOW IN ROC AND WHICH ROC MAY ACQUIRE OR CONSTRUCT AS SUBJECT TO ARTICLES VIII, X, XI, AND XII OF US-ROC AGREEMENT FOR COOPERATION.

3. IN ORDER TO SET ON RECORD FACT THAT ALL SUCH ITEMS NOW IN ROC ARE NOW COVERED BY CITED ARTICLES OF BILATERAL AGREEMENT AND THUS PAVE WAY FOR THEIR SAFEGUARDING BY IAEA UNDER STA, US PROPOSED EXCHANGE OF LETTERS BETWEEN DOE AND CAEC. PARA 10 GIVES PROPOSED TEXT OF DOE LETTER, WHICH WOULD BE MIRRORED IN A REPLY FROM CAEC AS PROPOSED IN PARA 11. CHENG SAID ROC EMBASSY WOULD CABLE TEXT TO TAIPEI ON OCTOBER 29 FOR GROC REVIEW.

4. CHENG EXPRESSED CONCERN OVER STIPULATION FOR QUOTE: PRIOR CONSULTATION AND MUTUAL CONSENT UNQUOTE ON ANY ROC PROPOSALS TO ACQUIRE ADDITIONAL NUCLEAR ITEMS FROM NON-US SOURCES. US EMPHASIZED THAT WITHOUT THIS REQUIREMENT US WOULD HAVE NO VOICE IN DETERMINING WHAT ITEMS OF EQUIPMENT AND MATERIAL IT WOULD BE REQUIRED TO SAFEGUARD, IF EVER THE EXERCISE OF BILATERAL SAFEGUARDS RIGHTS BECAME NECESSARY (I.E., IF THE IAEA SHOULD EVER CEASE TO APPLY CONFIDENTIAL

PAGE 03 STATE 262131

ITS SAFEGUARDS IN ROC); FURTHERMORE, USG COULD BE REGARDED AS EXPANDING SCOPE OF AGREEMENT FOR COOPERATION. CHENG APPEARED TO ACKNOWLEDGE NEED FOR PRIOR CONSULTATIONS AND CONSENT WITH RESPECT TO NEW FACILITIES, BUT FELT THAT IT COULD CAUSE DELAYS AND COMMERCIAL DISADVANTAGE WITH RESPECT TO MATERIALS AND EQUIPMENT FOR USE IN EXISTING FACILITIES. TEXT GIVEN PARA 10 INCORPORATES SOME MODIFICATIONS MADE IN RESPONSE TO CHENG'S STRONGLY HELD CONCERNS ABOUT EQUIPMENT FOR EXISTING FACILITIES AND HIS CONCERN THAT THERE MIGHT BE EXTENDED DELAYS IN US RESPONDING TO ROC IMPORT PROPOSALS.

5. THERE WAS NO DISCUSSION OF PARENTHETIC PHRASE QUOTE AS THOSE ITEMS MAY BE DEFINED BY THE US UNQUOTE. US INCLUDED THIS PHRASE WITH VIEW TO ASSURING PRIOR CONSULTATION RE PARA 4 ON ANY IMPORTS OF HEAVY WATER (NOT A NUCLEAR MATERIAL AS DEFINED IN THE US/ROC/IAEA STA). WHETHER US WILL SEEK TO RETAIN OR TO MODIFY THIS PHRASE IF ROC OBJECTS, WILL BE DECIDED AFTER GROC RESPONSE ON TEXT IS RECEIVED. HOWEVER, OUR CURRENTLY PREFERRED FALL-BACK POSITION IS TO SUBSTITUTE QUOTE INCLUDING ALL ITEMS DESIGNATED IN IAEA INFCIRC/209 UNQUOTE IN LIEU OF PRESENT PARENTHETICAL PHRASE.

6. US ENVISAGED PROPOSED LETTER EXCHANGE AS BEING ON UNCLASSIFIED BASIS, IN VIEW OF NEED TO USE LETTERS OR PORTIONS THEREOF IN CONNECTION WITH IMPLEMENTATION OF ARRANGEMENTS. CHENG SAID HE WOULD CONSULT HIS GOVERNMENT

ON QUESTION OF CLASSIFICATION.

7. US ALSO COMPOSED A DRAFT LETTER WHICH MIGHT BE SENT TO IAEA BY US AND ROC JOINTLY, IF IAEA CONSIDERS SOME SUCH LETTER NECESSARY. ALTHOUGH THERE WAS NO DISCUSSION OF THIS LETTER, A POSSIBLE TEXT IS GIVEN PARA 12 FOR MISSION INFO AND FOR POSSIBLE USE DURING MEETING WITH ROMETSCH. UNTIL THERE IS US/ROC ACCORD ON TEXT OF CONFIDENTIAL

PAGE 04 STATE 262131

PROPOSED DOE-CAEC LETTER EXCHANGE, FINALIZING ARRANGEMENTS WITH IAEA MAY NOT BE POSSIBLE. HOWEVER, MEETING WITH AGENCY IS ESSENTIAL TO DISCUSS STEPS TO BE TAKEN ONCE THE DOE-CAEC LETTER EXCHANGE HAS TAKEN PLACE.

8. JAMES GLASGOW, DOE/OGC, AND JOERG MENZEL, ACDA/NP WILL ARRIVE VIENNA 12:10 NOVEMBER 3 BY AIR FRANCE FLIGHT 782. IN VIEW SHORT TIME BEFORE DISCUSSIONS WITH IAEA, WOULD APPRECIATE MISSION HAVING CAR MEET THEM IF FEASIBLE. UNDERSTAND MISSION HAS RESERVED ROOMS AT ,ENSION WIENER.

9. UNDERSTAND LABOWITZ WILL BE ABSENT AND AMBASSADOR STONE HAS DESIGNATED MAHY TO PARTICIPATE IN MEETING.

10. PROPOSED TEXT OF DOE LETTER TO CAEC:
QUOTE: I AM WRITING WITH REFERENCE TO THE COMMITMENT BY THE REPUBLIC OF CHINA TO THE UNITED STATES THAT ALL NUCLEAR MATERIALS, EQUIPMENT AND FACILITIES WHICH ARE CURRENTLY IN THE REPUBLIC OF CHINA OR WHICH MAY SUBSEQUENTLY BE ACQUIRED OR CONSTRUCTED WOULD BE COVERED BY THE PROVISIONS OF ARTICLES VIII, X, XI, AND XII OF THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA CONCERNING CIVIL USES OF ATOMIC ENERGY, WHICH ENTERED INTO FORCE JUNE 22, 1972, AS AMENDED.

IT IS MY UNDERSTANDING THAT PURSUANT TO THAT COMMITMENT, ALL NUCLEAR MATERIALS, EQUIPMENT AND FACILITIES IN THE REPUBLIC OF CHINA ARE COVERED BY THE ABOVE-CITED ARTICLES OF THE AGREEMENT FOR COOPERATION. I WOULD APPRECIATE IT IF YOU WOULD CONFIRM MY UNDERSTANDING, AND WOULD PROVIDE ME WITH A LIST OF SUCH MATERIALS, EQUIPMENT AND FACILITIES OTHER THAN THOSE ACQUIRED UNDER ARTICLES CONFIDENTIAL

PAGE 05 STATE 262131

IV, VI, AND VII OF THE AGREEMENT FOR COOPERATION OR AS A RESULT OF THE USE OF ITEMS SO ACQUIRED.

AS YOU KNOW, THE IAEA IS APPLYING ITS SAFEGUARDS, UNDER THE IAEA-ROC-US SAFEGUARDS TRANSFER AGREEMENT WHICH

ENTERED INTO FORCE DECEMBER 6, 1971, TO NUCLEAR MATERIALS, EQUIPMENT AND FACILITIES SUBJECT TO SAFEGUARDS UNDER THE AGREEMENT FOR COOPERATION. THE SAFEGUARDS TRANSFER AGREEMENT REQUIRES THE US AND THE ROC TO NOTIFY THE AGENCY REGARDING NUCLEAR MATERIALS, EQUIPMENT AND FACILITIES WHICH SHOULD BE ADDED TO THE INVENTORIES OF ITEMS SUBJECT TO SAFEGUARDS. IN ORDER TO ENABLE THE AGENCY TO ENTER IN CATEGORY I OF THE INVENTORY FOR THE ROC THE ITEMS IN THE LIST WHICH YOU WILL PROVIDE, WE BELIEVE THAT NOTIFICATION TO THE AGENCY CAN TAKE PLACE UNDER SECTION 9-B-I OF THE

SAFEGUARDS TRANSFER AGREEMENT. WITH RESPECT TO ANY OTHER NUCLEAR MATERIALS, EQUIPMENT OR FACILITIES (AS THOSE ITEMS MAY BE DEFINED BY THE US) THE ROC MAY SUBSEQUENTLY PROPOSE TO ACQUIRE OR CONSTRUCT (OTHER THAN THOSE ACQUIRED UNDER ARTICLES IV, VI AND VII OF THE AGREEMENT FOR COOPERATION OR AS A RESULT OF THE USE OF ITEMS SO ACQUIRED AND OTHER THAN EQUIPMENT TO BE USED SOLELY IN FACILITIES LISTED ON THE SAFEGUARDS TRANSFER AGREEMENT INVENTORY), I WOULD APPRECIATE YOUR ACKNOWLEDGEMENT THAT YOUR PROPOSAL TO ACQUIRE OR CONSTRUCT ANY SUCH MATERIAL, EQUIPMENT OR FACILITIES, AND THE MATTER OF NOTIFICATION TO THE IA

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Message Attributes

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